

CLERKS OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

10/14/2022
LAURA A. AUSTIN, CLERK
BY: s/ CARMEN AMOS
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

MICHAEL WATKINS HAYER

CASE NO. 3:22CR00015-001

STATEMENT OF FACTS

The United States and the defendant, MICHAEL WATKINS HAYER, agree and stipulate that the following is true. This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct. It does not necessarily contain all of the information obtained during this investigation and applicable to an accurate Presentence Report and Sentencing Guidelines calculation. This Statement of Facts is not protected by proffer agreement or any other agreement and shall be wholly admissible at trial notwithstanding any Rules or statutes to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

STIPULATED FACTS

A. February 18, 2022 distribution resulting in death

1. MICHAEL WATKINS HAYER admits and agrees that on or about February 18, 2022, within the Western District of Virginia, Charlottesville Division, and elsewhere, HAYER knowingly and intentionally distributed a measurable quantity of a mixture or substance containing N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl), a Schedule II controlled substance, to Victim 1. HAYER further admits and agrees that his distribution of fentanyl resulted in the death of Victim 1, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C).

2. HAYER admits and agrees that beginning in 2019, he regularly distributed fentanyl, heroin, and methamphetamine throughout the Western District of Virginia, including in Greene County. HAYER further admits and agrees that sometime in late 2020 or early 2021, he began traveling to North Carolina to purchase narcotics, specifically heroin and fentanyl, to sell. He would purchase them by the “brick” and sell them throughout the Western District of Virginia, including in Greene County and Albemarle County. The narcotics he purchased in North Carolina had distinctive packaging; it was packaged in small, glassine wax envelopes with a stamp on the front. The stamps included logos such as from the Disney movie, “Toy Story.”

3. HAYER admits that after he had a drug customer overdose in front of him, he began carrying around Narcan, an opioid overdose treatment, when he distributed narcotics.

4. HAYER further admits and agrees that on February 18, 2022, he sold fentanyl, packaged as described above, to Victim 1. On the night of Victim 1’s death, HAYER communicated with Victim 1 using cell phone number (434) 529-0315. He exchanged a series of text messages with Victim 1, in which they discussed a drug deal. HAYER agreed to deliver “1/2 brick” to Victim 1 at the mailbox of his residence. HAYER admits he sold “1/2 brick” of fentanyl to Victim 1 and that Victim 1’s ingestion of the narcotics HAYER sold him resulted in his death. Victim 1 died on February 19, 2022 from acute fentanyl toxicity.

5. HAYER admits that once he discovered Victim 1 had overdosed from the fentanyl HAYER had provided him, he left the Greene County area to avoid suspicion.

B. Traffic Stop on April 16, 2022

6. HAYER further admits and agrees that on April 16, 2022, he was stopped by Virginia State Police (“VSP”) for speeding in Greene County, Virginia. HAYER was driving the

vehicle and during the traffic stop, VSP discovered HAYER had an active warrant. Based upon that warrant, HAYER was arrested.

7. HAYER admits that a search of his vehicle resulted in the discovery of the following items: 95 grams of methamphetamine; 50 grams of fentanyl; a cellular phone; and three firearms, specifically, a Ruger, Model SR9C, 9 millimeter handgun, bearing serial number 333-78224, a Palmetto, Model PA-15, .223 caliber rifle, bearing serial number SCD594236, and a Marlin, Model 60, .22 caliber rifle, bearing serial number 14512648; in addition to ammunition. HAYER admits that all of those items belonged to him. HAYER further admits that the narcotics were not for personal use and he planned on distributing them.

8. HAYER admits that he had been previously been convicted of Felony possession with the intent to distribute a Schedule I/II controlled substance on or about March 20, 2017 in the Buckingham County Circuit Court (Case Number CR17000005-00) and was sentenced to serve 10 years, with 9 years suspended. HAYER admits that he knew he was a felon and prohibited was possessing firearms.

C. Hayer Continues Drug Trafficking from Jail

9. Starting on April 16, 2022 through June 24, 2022, HAYER was incarcerated at the Central Virginia Regional Jail. During this time, he made numerous recorded calls from his inmate account. HAYER admits that he called an 18-year old relative, C.H., and a woman with whom he had previously had a romantic relationship with, F.M. In these calls, HAYER directed C.H. and F.M. to engage in drug trafficking while HAYER was incarcerated. Specifically, HAYER told them to travel down to North Carolina to meet with HAYER's supplier, pick up fentanyl, return to Greene County, and sell the fentanyl at HAYER's direction.

10. HAYER admits and agrees that on May 1, 2022, he provided C.H. with specific step-by-step directions to his drug supplier's location and instructed C.H. to be armed with a pistol. C.H. told HAYER that he had \$3,500 to use to purchase the narcotics. After that call, HAYER called F.M. and told her that C.H. would purchase seventeen "bricks" from his supplier. He informed F.M. that each brick equals 50 individual packs and instructed her to sell each pack at \$8 each. HAYER told F.M. that her supply should be gone in less than a month and to take the proceeds of the drug sales and return to North Carolina to acquire more drugs. HAYER also admits that he instructed F.M. to only keep two packs in her house so that she could "flush them" if necessary, and that she should keep the remaining packs buried in her yard.

11. Later, on May 1, 2022, C.H. confirmed with HAYER that he made the drug purchase. HAYER admits and agrees that he instructed C.H. and F.M. to take two fifty packs, put gloves on, and "ride around to meet some people." HAYER provided C.H. and F.M. the names and locations of people he wanted them to sell to.

12. Additionally, HAYER admits that he understood how dangerous the drugs he was selling were. For instance, HAYER warned C.H. not to use the drugs because "fentaynyl...dope... methamphetamine ain't nothing to f**k with." HAYER also tells F.M. not to touch the packs without wearing gloves and to never use the packs herself.

13. The defendant agrees that the defendant committed all the essential elements of the offense. This statement of factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Counts One and Two of the Information.

I, MICHAEL WATKINS HAYER, have reviewed the above Statement of Facts with my attorney and believe the facts are true and correct. I agree that had this matter proceeded to trial,

the United States would have proved the facts outlined above beyond a reasonable doubt.

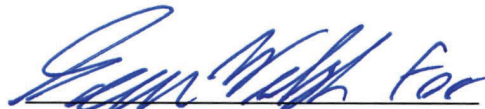
10/15/22
Date


MICHAEL WATKINS HAYER
Defendant

10/15/22
Date


DONALD PENDER
Attorney for Defendant

Had this matter proceeded to trial, the United States would have proved the facts outlined above beyond a reasonable doubt. The government reserves the right to present additional evidence at the time of sentencing regarding relevant conduct of the defendant.


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